



# Inheritance (Provision for Family and Dependants) Act 1975

## 1975 CHAPTER 63

### *Miscellaneous and supplementary provisions*

#### **19 Effect, duration and form of orders.**

- (1) Where an order is made under section 2 of this Act then for all purposes, including the purposes of the enactments relating to capital transfer tax, the will or the law relating to intestacy, or both the will and the law relating to intestacy, as the case may be, shall have effect and be deemed to have had effect as from the deceased's death subject to the provisions of the order.
- (2) Any order made under section 2 or 5 of this Act in favour of—
  - (a) an applicant who was the [<sup>F1</sup>former spouse or former civil partner] of the deceased, or
  - (b) an applicant who was the husband or wife of the deceased in a case where the marriage with the deceased was the subject of a [<sup>F2</sup>judicial separation order] and at the date of death [<sup>F3</sup>the order] was in force and the separation was continuing, [<sup>F4</sup> or
  - (c) an applicant who was the civil partner of the deceased in a case where, at the date of death, a separation order under Chapter 2 of Part 2 of the Civil Partnership Act 2004 was in force in relation to their civil partnership and the separation was continuing.]

shall, in so far as it provides for the making of periodical payments, cease to have effect [<sup>F5</sup>on the formation by the applicant of a subsequent marriage or civil partnership, except in relation to any arrears due under the order on the date of the formation of the subsequent marriage or civil partnership.]

- (3) A copy of every order made under this Act [<sup>F6</sup>other than an order made under section 15(1) [<sup>F7</sup>or 15ZA(1)] of this Act] shall be sent to the principal registry of the Family Division for entry and filing, and a memorandum of the order shall be endorsed on, or permanently annexed to, the probate or letters of administration under which the estate is being administered.

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**Changes to legislation:** *Inheritance (Provision for Family and Dependants) Act 1975, Section 19 is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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### Textual Amendments

- F1** Words in s. 19(2)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 26\(2\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 19(2)(b) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 44\(6\)\(a\)](#); S.I. 2022/283, reg. 2
- F3** Words in s. 19(2)(b) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 44\(6\)\(b\)](#); S.I. 2022/283, reg. 2
- F4** S. 19(2)(c) and preceding word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 26\(3\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F5** Words in s. 19(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 26\(4\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F6** Words inserted by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), [s. 52](#)
- F7** Words in s. 19(3) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 26\(5\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

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**Changes and effects yet to be applied to :**

- s. 19(2)(b) amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(7\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25 (defns. of "former wife" and "former husband") amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(8\)](#)